

Joint Standing Committee on Health and Human Services

LD 153

An Act to Provide Social Services to Children in Need of Services and State Supervision

ONTP

Sponsor(s)
BUNKER
PARADIS

Committee Report
ONTP

Amendments Adopted

LD 153 proposed to establish 2 systems for providing services to children who are runaways, homeless or truant or whose conduct is violent or aggressive or places them at risk or in danger of serious harm or serious injury. The children who were proposed to receive services from the Department of Mental Health, Mental Retardation and Substance Abuse Services are designated as children in need of services. Services to this group of children would be based on cooperation between the child and the Department of Mental Health, Mental Retardation and Substance Abuse Services. The children who were proposed to receive services from the Department of Human Services, because their conduct creates a threat of serious harm or serious injury, are designated as children in need of state supervision. Services to this group of children would be based on a voluntary agreement between the Department of Human Services and the custodial parent or custodian of the child.

See the committee bill on children's mental health, LD 2295.

LD 1113

An Act to Require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to Report the Facts of an Unnatural Death of a Patient under the Care of the Department to the Legislature

PUBLIC 605

Sponsor(s)
BENOIT

Committee Report
OTP-AM

Amendments Adopted
S-485

LD 1113 proposed to require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to disclose information concerning the death from unnatural causes of a patient admitted to a state mental health institute. The disclosure would have been made to the Joint Standing Committee on Health and Human Services in executive session within 5 days of the death. No one receiving the information would have been allowed to discuss or disclose it outside of executive session.

Committee Amendment "A" (S-485) proposed to replace the bill. It proposed to require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to report to the chairs of the Joint Standing Committee on Health and Human Services information on a death reportable by the commissioner to the Chief Medical Examiner. The amendment proposed to require that information and reports must maintain the confidentiality of the identity of all persons mentioned or referred to in the information and reports.

Enacted law summary

Public Law 1997, chapter 605 comprises the provisions of Committee Amendment “A”. It requires the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to report to the chairs of the Joint Standing Committee on Health and Human Services information on a death reportable by the commissioner to the Chief Medical Examiner. Information and reports provided pursuant to this provision must maintain the confidentiality of the identity of all persons mentioned or referred to in the information and reports.

LD 1199	An Act to Ensure Adequate Nutrition and Support for Low-income Legal Immigrants	PUBLIC 731
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL J PARADIS	OTP-AM	H-833 S-760 MICHAUD

LD 1199 proposed to provide state assistance to aged, blind and disabled legal immigrants who would no longer be eligible for assistance from the federal Supplemental Security Income Program and food assistance to low-income households no longer eligible for the federal Food Stamp Program. It proposed to require the Department of Human Services to help legal immigrants seeking to become naturalized citizens to achieve that status.

Committee Amendment "A" (H-833) proposed to delete the emergency preamble and the emergency clause. It also proposed to delete the notice provisions in the food assistance and supplemental security income sections and add an appropriation section and fiscal note.

Senate Amendment "B" to Committee Amendment "A" (S-760) proposed to eliminate the provision concerning supplemental security income for legal immigrants. It proposed to provide one-time funding for a food benefit for legal aliens through June, 1999 from savings available in the State Supplement to the Federal Supplemental Security Income program.

Enacted law summary

Public Law 1997, chapter 731 comprises the provisions of Committee Amendment “A” and Senate Amendment “B” to Committee Amendment “A”. It provides funding for a food benefit for fiscal year 1998-99 for legal aliens who lost eligibility because of the federal Personal Responsibility and Work Opportunity Act of 1996.

LD 1302	An Act to Amend the Temporary Assistance for Needy Families Program	PUBLIC 695
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<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND SAXL M	OTP-AM	S-588

LD 1302 proposed to authorize the Department of Human Services to continue Maine's Aid to Families with Dependent Children program, using money from the Temporary Assistance for Needy Families block grant funds. It proposed to establish no time limit on receipt of aid to families with dependent children and that victims of domestic violence who would have difficulty participating in ASPIRE-JOBS are exempt from such participation.

This bill also proposed to place in state law the due process and fairness protections that were part of the AFDC program but have been repealed from federal law.

Committee Amendment "A" (S-588) proposed to replace the bill. It proposed to allow recipients of assistance under the Temporary Assistance for Needy Families program to receive assistance for longer than 60 months when the family complies with the requirements of TANF and ASPIRE-TANF. It also proposed to add a fiscal note.

Enacted law summary

Public Law 1997, chapter 695 comprises the provisions of Committee Amendment "A". It allows recipients of assistance under the Temporary Assistance for Needy Families program to receive assistance for longer than 60 months when the family complies with the requirements of TANF and ASPIRE-TANF.

**LD 1570 An Act to Require Tobacco Manufacturers to Disclose Ingredients DIED IN
 Contained within Tobacco Products CONCURRENCE**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MILLS	ONTP MAJ	
NUTTING	OTP-AM MIN	

LD 1570 proposed to require manufacturers of cigarettes and smokeless tobacco sold in this State to disclose annually in reports to the Department of Human Services added constituents and nicotine yield ratings. This legislation was modeled on recently enacted Massachusetts law.

Committee Amendment "A" (S-473) (Minority Report) proposed to replace the bill. It proposed to require manufacturers of tobacco products sold in the State to file an annual report disclosing if any of the 15 listed ingredients are contained in the products. It proposed to designate the reports as public information. It proposed to add a fiscal note.

**LD 1585 An Act to Provide Additional Adoption Assistance to State ONTP
 Employees**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SPEAR	ONTP	

LD 1585 proposed to establish an additional adoption assistance program for employees of the State who adopt special needs or other children. Benefits would have been limited to actual costs of adoption, including but not limited to medical costs not covered by insurance, fees of licensed adoption agencies, fees for the court process and attorneys and fees for investigations.

**LD 1661 Resolve, to Implement the Recommendations of the Blue Ribbon RESOLVE 117
 Commission on Hunger and Food Security**

Sponsor(s)
BENOIT

Committee Report
OTP-AM

Amendments Adopted
S-587
H-1078 MITCHELL J

LD 1661 proposed to implement the recommendations of the Blue Ribbon Commission on Hunger and Food Security by making the following changes in state law:

1. Setting the state minimum wage at 25¢ more than the federal minimum wage;
2. Establishing an out-of-poverty wage for state employees and state contractors equal to the amount necessary to produce an income equal to the federal poverty guideline for a family of 3;
3. Establishing a state earned income tax credit equal to 25% of the federal earned income tax credit;
4. Providing that persons not required to file for federal income tax purposes are not required to file for state income tax purposes and are not required to pay state income tax;
5. Reestablishing state participation in extended unemployment benefits;
6. Establishing that failure of child care or transportation arrangements necessary for work are not grounds for denying unemployment benefits;
7. Maintaining transitional child care benefits at a minimum of the level for fiscal year 1996-97;
8. Requiring the Department of Human Services to apply for a federal waiver to permit Medicaid coverage to families up to 185% of federal poverty guidelines;
9. Requiring a school to participate in the school breakfast program if at least 35% of the students are eligible for free or reduced-price meals and permitting the Department of Education to establish hardship grants to assist schools in complying;
10. Establishing the Office of Food Security within the Department of Human Services to coordinate and monitor food assistance programs and administer a food security outreach program and the Maine Food Security Fund;
11. Providing for food security motor vehicle registration plates with revenues distributed to the Maine Food Security Fund;
12. Providing a voluntary food security income tax checkoff; and
13. Creating the Maine Millennium Commission on Hunger and Food Security to evaluate the actions taken under the recommendation of the Blue Ribbon Commission on Hunger and Food Security and investigate the condition of the State with regard to hunger and food security. The commission would have been required to conduct its review in the years 2000 and 2001 and report to the Legislature that convenes in December 2001.

Committee Amendment "A" (S-587) proposed to change the bill to a resolve and remove all the sections of the original bill except the provision enacting the Maine Millennium Commission on Hunger and Food Security.

House Amendment "A" to Committee Amendment "A" (H-1078) proposed to clarify that legislators are entitled to the legislative per diem and expenses for attendance at the Maine Millennium Commission on Hunger and Food Security meetings.

Enacted law summary

Resolve 1997, chapter 117 comprises the provisions of Committee Amendment "A" and House Amendment "A" to Committee Amendment "A". It establishes the Maine Millennium Commission on Hunger and Food Security to work from December 15, 1999 to December 15, 2001. The commission is required to hold hearings around the state and to assess the progress being made on relieving hunger and ensuring food security. The commission is required to submit a report to the 120th Legislature together with necessary implementing legislation by December 15, 2001.

LD 1677

An Act to Improve Children's Health

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LONGLEY MITCHELL E	ONTP	

LD 1677 proposed to establish the Children's Health Care Program to maximize the access of children to primary, preventive and acute health care; health programs; and information about illness, prevention of illness and health maintenance. The program would have been administered by the Commissioner of Human Services and the advisory committee on Medicaid.

The bill proposed to establish a tobacco use reduction initiative, administered by the Commissioner of Human Services in cooperation with the Director of the Bureau of Public Health, to educate the public, particularly persons under 19 years of age, regarding the risks of tobacco use.

The initiatives proposed to be established by the bill would have been funded by increases in the cigarette tax, the tax on smokeless tobacco and the tax on other tobacco products.

See LD 2225.

LD 1737

An Act to Provide for Confidentiality of Health Care Information

PUBLIC 793

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM MAJ ONTP MIN	H-1066 H-1069 BRUNO H-1073 LOVETT H-1096 FULLER S-716 MICHAUD

LD 1737 proposed to establish safeguards for maintaining the confidentiality, security and integrity of health care information. It proposed to establish requirements for confidentiality and authorization by patients for disclosure of

their health care information and exceptions to the requirement of authorization. It proposed to remove the requirement that HIV information be treated differently from other health information.

Committee Amendment "A" (H-1066) (Majority Report) proposed to replace the bill. It proposed to retain the provisions of the bill declaring an individual's health care information to be confidential.

The amendment proposed to specify the requirements for disclosure pursuant to an authorization to disclose and when no authorization has been given. In specifying the requirements for disclosure and authorization to disclose, the amendment proposed to provide that authorizations to disclose and disclosures that are subject to the provisions of state or federal law, rule or regulation are governed by those provisions. The amendment proposed to restrict disclosures to information requested in the authorization or required for the purposes of the disclosure.

The amendment proposed to bring the handling of information related to human immune deficiency virus, or HIV, into conformance with the handling of other health information with the exception that it would have prohibited reliance on implied consent for HIV information.

The amendment proposed to allow for enforcement through a civil action brought by the Attorney General or an individual aggrieved by conduct in violation of the provisions of the amendment. It proposed to allow the recovery of an individual's costs but not attorney's fees in such an action.

The amendment proposed to apply the requirements for authorizations and disclosures of health care information to all authorizations and disclosures on or after January 1, 1999.

The amendment proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-1069) proposed to amend the committee amendment concerning the prohibition of disclosure of health care information for the purpose of marketing or sales without written authorization. This amendment proposed to allow such disclosure with written or oral authorization.

House Amendment "B" to Committee Amendment "A" (H-1073) proposed to prohibit disclosure of mental health services health care information based upon consent implied from the individual's conduct.

House Amendment "C" to Committee Amendment "A" (H-1096) proposed to clarify the definition of health care information.

Senate Amendment "A" to Committee Amendment "A" (S-716) proposed to replace the fiscal note on the committee amendment.

Enacted law summary

Public Law 1997, chapter 793 comprises the provisions of Committee Amendment "A" and House Amendments "A", "B" and "C" and Senate Amendment "A" to Committee Amendment "A". The law establishes safeguards for maintaining the confidentiality, security and integrity of health care information. It establishes requirements for confidentiality and authorization by patients for disclosure of their health care information and exceptions to the requirement of authorization. The law provides that authorizations to disclose and disclosures that are subject to the provisions of 42 United States Code, Section 290ee-3 (Supplement 1997), the Maine Revised Statutes, Title 5, section 200-E; Title 22, chapters 710 and 711; Title 24 or 24-A; Title 34-B, section 1207; Title 39-A; or other provisions of state or federal law, rule or regulation are governed by those provisions. The law restricts disclosures to information requested in the authorization and required for the purposes of the disclosure.

The law brings the handling of information related to human immune deficiency virus, or HIV, into conformance with the handling of other health information with the exception that it prohibits reliance on implied consent for HIV information. Reliance on consent implied from a person's conduct is also prohibited for disclosures of mental health information. Written or oral authorization may be the basis for disclosures for the purpose of marketing or sales.

The law allows for enforcement through a civil action brought by the Attorney General or an individual aggrieved by conduct in violation of the provisions of the law. It allows for the recovery of an individual's costs but not attorney's fees in such an action.

The law applies the requirements for authorizations and disclosures of health care information to all authorizations and disclosures on or after January 1, 1999.

LD 1750

An Act Concerning the Rights of Children with Special Needs

ONTP

Sponsor(s)
MITCHELL J

Committee Report
ONTP

Amendments Adopted

LD 1750 proposed to address the issue posed in In Re: Shawn H., 667 A. 2d 1377 (Me. 1995), in which a parent of a child with special needs who did not have the resources to meet those needs was forced to relinquish custody of the child to the State even though the parent was not unfit. This bill proposed principles of operation that the Department of Mental Health, Mental Retardation and Substance Abuse Services, in cooperation with the Department of Human Services, the Department of Education and the Department of Corrections, would be required to adhere to in developing and delivering services to children with special needs. The bill proposed to require the department biennially to provide an assessment to the parent or guardian of a child with special needs identifying that child's special needs and the resources necessary to meet those needs. The bill proposed to require the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services to report annually to the Legislature on the individual assessments performed, the needs identified and the estimated costs to meet those needs.

This bill proposed to establish Interdepartmental Children's Ombudsmen who would be hired by and report to the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services, the Commissioner of Education and the Commissioner of Human Services. The ombudsmen would have been directed to advocate for the rights and dignity of children with special needs, receive complaints, resolve disputes, act as information sources and make recommendations.

See the committee bill on children's mental health, LD 2295.

LD 1779**An Act Regarding Access to Medical Information****ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PINGREE WATSON	ONTP	

LD 1779 proposed to create the Medical Privacy Act of 1997, that would have established a right to privacy with respect to health information, including genetic information. It would have helped to ensure the confidentiality of computerized or electronically transferred health information and restricted the gathering of aggregate health information for financial gain or other purposes without an individual's knowledge or consent. The bill also would have provided individuals with access to health information of which they are the subject and the power to challenge the accuracy and completeness of, amend or correct records containing that information.

The bill would have provided that an individual's interest in the privacy of health information may not be overridden without meaningful notice and informed consent, except in limited circumstances when there is a compelling public interest. These circumstances would have included disclosure when the subject of information is in danger, or another individual is in danger; disclosure to a health oversight agency in cases concerning fraud, protection of individuals from harm, abuse, neglect, or exploitation; disclosure for public health purposes; and disclosure to health researchers within certain parameters.

This bill also would have provided for disclosure of health information for judicial, law enforcement and administrative purposes pursuant to requirements governing subpoenas, warrants, court orders, and in certain other cases involving legal claims. The bill would have established civil penalties for failure to comply with the provisions of the Medical Privacy Act of 1997, and a private right of action of individuals aggrieved by conduct in violation of the Medical Privacy Act of 1997.

The bill would have required that an advisory group be appointed by the department to review all proposed rules and assist the department in establishing the standards for compliance with the rules. The group would have been directed to review further modifications to the Medical Privacy Act of 1997 to ensure efficient and confidential electronic exchange of protected health information and to make recommendations to bring certain existing laws into compliance with this Act.

The bill would have addressed the relationship of the Medical Privacy Act of 1997 to other laws in 2 ways. First, it would have provided that the Medical Privacy Act of 1997 does not preempt, supersede or modify the operation of certain existing state laws. Second, it would have amended certain other existing laws concerning the collection, use and dissemination of health information to render them consistent with the Medical Privacy Act of 1997, and would have repealed other laws that are inconsistent.

See also LD 1737.

LD 1914**An Act Regarding the Possession of Tobacco Products by a Juvenile****PUBLIC 578**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PERKINS	OTP-AM	H-781

LD 1914 proposed to allow a juvenile to transport tobacco products in a motor vehicle if this transportation is in the scope of the juvenile's employment or at the request of the juvenile's parent or legal guardian. The bill parallels current law with respect to the transportation of liquor by a juvenile.

Committee Amendment "A" (H-781) proposed to delete the provisions in the bill on legalizing transportation of tobacco products by a minor at the request of the minor's parent, legal guardian or custodian. It proposed to require that tobacco products transported by a minor in the course of employment be in the original packaging.

Enacted law summary

Public Law 1997, chapter 578 comprises the provisions of the bill and Committee Amendment "A". The law allows a juvenile to transport tobacco products in a motor vehicle if this transportation is in the scope of the juvenile's employment. It requires that tobacco products transported by a minor in the course of employment be in the original packaging.

LD 1966 An Act Regarding the Spousal Allowance for Divorced Spouses of ONTP
Nursing Home Care Recipients Receiving Medicaid

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
CATHCART HATCH	ONTP	

LD 1966 would have provided that income that is required to pay court-ordered alimony or spousal support may not be considered available for purposes of Medicaid eligibility for institutional care.

LD 1971 An Act to Provide Representation for Chiropractors on the Board PUBLIC 568
of the Maine Health Data Organization

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
KANE PENDLETON P	OTP-AM	H-780

LD 1971 proposed to place a chiropractor on the Board of the Maine Health Data Organization.

Committee Amendment "A" (H-780) proposed to add one employer member selected from a list submitted by a health management coalition in this State to the Board of Directors of the Maine Health Data Organization. The amendment proposed to add a fiscal note.

Enacted law summary

Public Law 1997, chapter 568 comprises the provisions of the bill and Committee Amendment "A". It adds a chiropractor member to the board of the Maine Health Data Organization. It also adds one employer member selected from a list submitted by a health management coalition in this State.

LD 1975**Resolve, to Establish the Commission on Eating Disorders****RESOLVE 118
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
POULIN	OTP-AM	H-878 S-721 MICHAUD

LD 1975 proposed to direct the Department of Mental Health, Mental Retardation and Substance Abuse Services to propose appropriate methods of providing support and assistance to persons with eating disorders and to their families.

Committee Amendment "A" (H-878) proposed to replace the resolve. It proposed to establish the Commission on Eating Disorders, a 19-member commission charged with reporting to the joint standing committee having jurisdiction over health and human services matters by January 1, 1999. It proposed to add a fiscal note and appropriate funds for reimbursements and per diems for legislative members.

Senate Amendment "A" to Committee Amendment "A" (S-721) proposed to provide funding for the cost of printing the report of the Commission on Eating Disorders and more accurately reflect per diem and expense costs.

Enacted law summary

Resolve 1997, chapter 118 comprises the provisions of Committee Amendment "A" and Senate Amendment "A" to Committee Amendment "A". It establishes the Commission on Eating Disorders and requires the commission to report to the Health and Human Services Committee by January 1, 1999 on ways to provide education, prevention services and support to persons with eating disorders and their families. The resolve takes effect 4/13/98.

LD 1991**An Act Regarding the Role of the State Planning Office and the Land and Water Resources Council****PUBLIC 587**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
AHEARNE	OTP	

LD 1991 proposed to amend provisions relating to the responsibilities of the State Planning Office and the Land and Water Resources Council. It proposed to repeal the requirement that the Commissioner of Human Services consult with the State Planning Office before authorizing the transport of water for commercial purposes. It also proposed to repeal an outdated provision of law that defines the responsibilities of the Land and Water Resources Council.

Enacted law summary

Public Law 1997, chapter 587 comprises the provisions of the bill. It enacts provisions relating to the responsibilities of the State Planning Office and the Land and Water Resources Council. It repeals the requirement that the Commissioner of Human Services consult with the State Planning Office before authorizing the transport of water for commercial purposes. It also repeals an outdated provision of law that defines the responsibilities of the Land and Water Resources Council.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FARNSWORTH	OTP-AM	H-1055 S-723 MICHAUD

LD 1996 proposed to establish the authority of the Department of Human Services to determine the necessary regulations that must be adhered to before Medicaid program funds can be used for the provision of Medicaid eligible services delivered through the educational system or the early intervention system. The bill also proposed to specify that Medicaid funds can only be provided for school-based educational services or early intervention services that are provided by qualified service providers approved by the Department of Human Services, Bureau of Medical Services.

Committee Amendment "A" (H-1055) proposed to replace the bill and change it to a resolve. It proposed to require a report on Medicaid services provided in or by school administrative units, state intermediate educational units and the Child Development Services System. It also proposed to add an appropriation, an allocation and a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-723) proposed to remove the appropriation and allocation sections of Committee Amendment "A".

Enacted law summary

Resolve 1997, chapter 123 comprises the provisions of Committee Amendment "A" and Senate Amendment "A". The resolve requires an audit and a report on Medicaid services provided in or by school administrative units, state intermediate educational units and the Child Development Services System. The report must be provided to the joint standing committees of the Legislature on education and cultural affairs and health and human services by January 1, 1999.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
BROOKS PINGREE	OTP-AM	H-904 S-559 PARADIS

LD 2005 proposed to bring the State's safe drinking water laws into conformance with the federal Safe Drinking Water Act in order to maintain primacy over drinking water.

The bill also proposed to establish provisions for small system variances. It proposed to authorize the Commissioner of Human Services to adopt a source water assessment program and a capacity development program. It proposed to grant the Advisory Board for Licensure of Water Treatment Plant Operators authority to classify public water systems.

Committee Amendment "A" (H-904) proposed to replace the bill. This amendment proposed to correct dates in the current state safe drinking water laws, updated the laws to conform with federal drinking water requirements

and make more specific the permit requirements and authority of the Department of Human Services to revoke permits for construction, alteration, operation and maintenance of public drinking water systems. It proposed to clarify that fees related to primacy of drinking water jurisdiction are annual operation fees. The amendment proposed to allow the Commissioner of Human Services to adopt major substantive rules establishing a permit process for public water systems.

The amendment proposed to establish provisions for small system variances. It proposed to authorize the Commissioner of Human Services to adopt a source water quality assessment program and a capacity development program. Finally, the amendment proposed to grant the Board of Licensure of Water Treatment Plant Operators authority to classify public water systems.

The amendment also proposed to add a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-559) proposed to authorize the Commissioner of Human Services to adopt rules establishing a permitting process for the public water systems.

Enacted law summary

Public Law 1997, chapter 705 comprises the provisions of Committee Amendment “A” and Senate Amendment “A”. It corrects dates in the current safe drinking water laws, updates the laws to conform with federal drinking water requirements and makes more specific the permit requirements and authority of the Department of Human Services to revoke permits for construction, alteration, operation and maintenance of public drinking water systems. It clarifies that fees related to primacy of drinking water jurisdiction are annual operation fees. It authorizes the Commissioner of Human Services to adopt rules establishing a permit process for public water systems. Rules adopted regarding permitting are major substantive rules.

The law establishes provisions for small system variances. It authorizes the Commissioner of Human Services to adopt a source water quality assessment program and a capacity development program. It grants the Board of Licensure of Water Treatment Plant Operators authority to classify public water systems.

LD 2032

An Act Regarding Receivership Authority for Protection of Individuals Receiving Services from the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Department of Human Services

**PUBLIC 610
EMERGENCY**

Sponsor(s)
MITCHELL B
FISHER

Committee Report
OTP-AM

Amendments Adopted
S-555

LD 2032 proposed to establish a mechanism to enable the Department of Mental Health, Mental Retardation and Substance Abuse Services to apply to Superior Court for appointment as a receiver. The bill proposed to specify the grounds for appointment as well as the conditions governing the exercise of the authority of the receiver.

Committee Amendment "A" (S-555) proposed to replace the bill. It proposed to redefine the entities over which the Department of Mental Health, Mental Retardation and Substance Abuse Services may exercise receivership authority to be providers of services licensed or funded, in whole or in part, by the department. It proposed to grant to the Department of Human Services receivership authority over private psychiatric hospitals and proposed to

require the department, prior to exercising such power, to consult with the Department of Mental Health, Mental Retardation and Substance Abuse Services. It proposed to delete reference to long-term care facilities and home health care providers. It proposed to exclude state employees from the persons who may be appointed as receivers. It proposed to make a few grammatical corrections and add a fiscal note.

Enacted law summary

Public Law 1997, chapter 610 comprises the provisions of Committee Amendment “A”. It authorizes the Department of Mental Health, Mental Retardation and Substance Abuse Services to petition a court for receivership authority over providers of services licensed or funded, in whole or in part, by the department. It grants to the Department of Human Services receivership authority over private psychiatric hospitals and requires the department, prior to exercising such power, to consult with the Department of Mental Health, Mental Retardation and Substance Abuse Services. It excludes state employees from the persons who may be appointed as receivers. It makes a few grammatical corrections. The law takes effect March 20, 1998.

LD 2060

An Act Regarding Personal Care Assistance Services

PUBLIC 734 EMERGENCY

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
QUINT MITCHELL B	OTP-AM	H-977 S-729 MICHAUD

LD 2060 proposed to consolidate the administration of home health services in the Department of Human Services, Bureau of Elder and Adult Services. The bill also proposed to direct the bureau to establish a standard reimbursement rate for personal care assistance services.

Committee Amendment "A" (H-977) proposed to replace the bill. It proposed to insert a new title to more accurately reflect the bill and emergency language. It proposed to repeal the personal care assistance services program in the Maine Revised Statutes, Title 26 and re-enacted it in Title 22, moving the program from the Department of Labor to the Department of Human Services. It proposed to require a report from the Commissioner of Human Services, in conjunction with the Long-term Care Steering Committee, on reimbursement rates for personal care assistance services and the future role and duties of the committee. It proposed to require a report from the commissioners of the 2 departments on the transfer and transition. It proposed to increase the membership on the Long-term Care Steering Committee by 2 members. It would have changed the membership of the multidisciplinary team in home and community support services for adults from one social services professional and one health care professional to one social services professional or one health care professional. It also would have added a fiscal note.

Senate Amendment "A" to Committee Amendment "A" (S-729) proposed to replace the appropriation section to reflect the actual amount available for transfer out of the Rehabilitation Services program within the Department of Labor.

Enacted law summary

Public Law 1997, chapter 734 comprises the provisions of Committee Amendment “A” and Senate Amendment “A” to Committee Amendment “A”. It repeals the personal care assistance services program in the Maine Revised Statutes, Title 26 and re-enacts it in Title 22, moving the program from the Department of Labor to the Department

of Human Services. It requires a report from the Commissioner of Human Services, in conjunction with the Long-term Care Steering Committee, on reimbursement rates for personal care assistance services and the future role and duties of the committee. It requires a report from the commissioners of the 2 departments on the transfer and transition. It increases the membership on the Long-term Care Steering Committee by 2 members. It changes the membership of the multidisciplinary team in home and community support services for adults from one social services professional and one health care professional to one social services professional or one health care professional. It appropriates funds in the amount transferred from the Department of Labor. The law takes effect July 1, 1998.

LD 2071 An Act Regarding Contract Procedures PUBLIC 588

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PARADIS	OTP	

LD 2071 proposed to repeal a paragraph on social service contracting by the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse that conflicts with provisions of Public Law 1997, chapter 381.

Enacted law summary

Public Law 1997, chapter 588 comprises the provisions of the bill. It repeals a paragraph on social service contracting by the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse that conflicts with provisions of Public Law 1997, chapter 381.

LD 2078 An Act to Allow Recognition of Private Schools with Outstanding Residential Counseling Programs ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
SNOWE-MELLO MITCHELL B	ONTP	

LD 2078 proposed to authorize the Department of Human Services to issue a certificate recognizing private schools that provide outstanding residential counseling programs for troubled adolescents.

LD 2102 An Act to Update the Guide Dog Access Law PUBLIC 611

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DAGGETT TESSIER	OTP-AM	S-487

LD 2102 proposed to provide guide dog trainers, while engaged in training a guide dog, all rights of access and use as are provided to a blind, visually handicapped or otherwise physically disabled person who uses a guide dog.

Committee Amendment "A" (S-487) proposed to replace the bill. It proposed to retain the provisions of the original bill that update the guide dog law. The amendment proposed to add to the law personal care dogs for persons who are physically disabled.

Enacted law summary

Public Law 1997, chapter 611 comprises the provisions of the bill and Committee Amendment “A”. It provides guide dog trainers, while engaged in training a guide dog, all rights of access and use as are provided to a blind, visually handicapped or otherwise physically disabled person who uses a guide dog. It updates the guide dog law and adds to the law personal care dogs for persons who are physically disabled.

LD 2103

An Act to Improve the Efficiency of the Maine Public Drinking Water Control Program

**PUBLIC 666
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
LAWRENCE	OTP-AM MAJ	S-547
DONNELLY	OTP-AM MIN	

LD 2103 proposed to authorize the Maine Public Drinking Water Commission to hire an independent auditor to conduct a comprehensive audit of the functions of the Maine Public Drinking Water Control Program, and to report the findings of that audit to the Joint Standing Committee on Health and Human Services no later than September 15, 1998.

Part B of the bill proposed to require the Maine Public Drinking Water Control Program to provide the Maine Public Drinking Water Commission with an annual accounting of expenditures related to the program.

Committee Amendment "A" (S-547) (Majority Report) proposed to replace the bill. It proposed to change the source of funding for the audit of the Maine Public Drinking Water Control Program from the Public Drinking Water Fund to federal funds held by the Department of Human Services. It also proposed to add an appropriation section and a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 666 comprises the provisions of Committee Amendment “A”. It provides for an independent audit of the Maine Public Drinking Water Control Program and funds the audit from federal funds held by the Department of Human Services. It requires a report to the Joint Standing Committee on Health and Human Services by September 15, 1998 and an annual report of expenditures from the Public Drinking Water Fund. The law takes effect April 2, 1998.

LD 2118

An Act to Increase Economic Security for the State's Low-income Children and Families and Prevent Additional Costs to Municipalities

INDEF PP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
RAND MITCHELL J	OTP-AM	

LD 2118 proposed to increase the amount of Temporary Assistance for Needy Families by increasing the standard of need and the maximum payment for families by an amount equal to 5%.

Committee Amendment "A" (S-497) proposed to replace the bill. It proposed to add an emergency preamble and an emergency clause. It proposed to require an increase in benefits under the Temporary Assistance for Needy Families program (TANF) by 5% of the benefit amount in effect on January 1, 1998, while disallowing the increase for households receiving the earned income disregard. The increase would not have affected households receiving the special housing allowance continuously from June 1, 1998. Eligibility would have been determined for new applicants for TANF using the gross income pretest in effect on January 1, 1998. The amendment also proposed to add an appropriation, an allocation and a fiscal note to the bill.

See also LD 1950, Public Law 1997, chapter 643, Part A-1.

LD 2133

An Act to Establish and Maintain an Immunization Information System

PUBLIC 670

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL J	OTP-AM	H-1021

LD 2133 proposed to direct the Department of Human Services, no later than January 1, 1999, to establish an immunization information system. As part of this system, the department would require all immunization providers to submit to the department a record of each immunization administered.

Committee Amendment "A" (H-102) proposed to direct the Department of Human Services to establish an immunization information system. It proposed to allow persons to choose not to be included in the system. It proposed to require rulemaking regarding the opt-out process, confidentiality, penalties for unauthorized disclosure, immunity for good-faith disclosure, data transmission and department access to information on those persons who have chosen not to be included in the system in order to control an outbreak of a disease preventable by immunization. It proposed to delay implementation of the immunization information system until the receipt of federal funds and add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 670 comprises the provisions of the bill and Committee Amendment "A". It directs the Department of Human Services to establish an immunization information system and requires immunization providers to provide information to the department. It allows persons to choose not to be included in the system. It requires rulemaking regarding the opt-out process, confidentiality, penalties for unauthorized disclosure, immunity

for good-faith disclosure, data transmission and department access to information on those persons who have chosen not to be included in the system in order to control an outbreak of a disease preventable by immunization. It delays implementation of the immunization information system until the receipt of federal funds.

LD 2137

An Act to Address the Crisis in Access to Dental Care for Low-income Children

**PUBLIC 667
EMERGENCY**

Sponsor(s)
MITCHELL J

Committee Report
OTP-AM

Amendments Adopted
H-895

LD 2137 proposed to require the Department of Human Services to establish a toll-free telephone referral system for children's dental services under the Medicaid program. If an adequate system is not in place by January 1, 1999, the bill proposed that the department would require to take additional steps, including, but not limited to, enhanced reimbursement for dentists and contracting with dental clinics or health centers.

Committee Amendment "A" (H-895) proposed to replace the bill. It proposed to require a telephone referral service for Medicaid dental services for children and an annual report and action plan on access from the Department of Human Services. It also proposed to add a fiscal note.

Enacted law summary

Public Law 1997, chapter 667 comprises the provisions of Committee Amendment "A". It requires the Department of Human Services to establish a telephone referral service for Medicaid dental services for children and requires an annual report and action plan on dental access. The law takes effect April 2, 1998.

LD 2141

An Act to Enhance the Membership of the Maine HIV Advisory Committee

ONTP

Sponsor(s)
WATSON
PENDLETON P

Committee Report
ONTP

Amendments Adopted

LD 2141 proposed to increase the membership of the Maine HIV Advisory Committee from 36 to 41 members.

LD 2151

An Act to Regulate the Functioning of End-stage Renal Disease Facilities

PUBLIC 658

Sponsor(s)
FULLER

Committee Report
OTP-AM

Amendments Adopted
H-912

LD 2151 proposed to require a state license for end-stage renal disease facilities including an annual survey to ensure the public health, safety and welfare of dialysis patients in the State. It proposed to allow the Medicare survey to be deemed to meet state rules, thereby avoiding duplication of the survey process.

Committee Amendment "A" (H-912) proposed to correct a typographical error in the bill and added a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 658 comprises the provisions of the bill and Committee Amendment “A”. It requires a state license for end-stage renal disease facilities including an annual survey. It allows the Medicare survey to be deemed to meet state rules, thereby avoiding duplication of the survey process.

LD 2152

An Act Regarding the Medicaid Program

PUBLIC 795

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
FULLER	OTP-AM	H-1090 S-734 MICHAUD

LD 2152 proposed to enact procedures and methodologies for the Department of Human Services to enforce the medical child support requirements that were imposed by the federal Omnibus Budget Reconciliation Act of 1993.

In addition, this bill proposed to clarify the nature of the Department of Human Services' right to recoup Medicaid benefits out of personal injury awards or settlements by explicitly identifying that right as a statutory lien on the proceeds of such awards or settlements. This bill proposed to clarify that the department's lien may not be reduced to reflect any pro rata share of attorney's fees or litigation costs.

This bill also proposed to change language to recognize that, for estate recovery cases, criteria developed by the Department of Human Services would govern how a hardship waiver request would be reviewed.

Committee Amendment "A" (H-1090) proposed to retain the provisions of the bill and add 2 provisions that clarify language in the existing statutes on transitional Medicaid. It proposed to authorize the Department of Human Services to implement the provisions of the federal Balanced Budget Act of 1997 to establish a Medicaid buy-in program for persons with disabilities who work and appropriated funds for that coverage. It proposed to repeal a provision of law that requires the Department of Human Services to assess pharmacies by prescriptions filled under the Medicaid program because the department intended to charge the assessments via rulemaking in the Maine Medical Assistance Manual. The amendment also proposed to add a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-734) proposed to reduce the amount of funding provided to cover the costs associated with a Medicaid buy-in program for certain people with disabilities. It also proposed to direct the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop a comprehensive statewide plan to address the need for mental health facilities as a safety net to the community-based system of services.

Enacted law summary

Public Law 1997, chapter 795 comprises the provisions of the bill, Committee Amendment “A” and Senate Amendment “A”. The law enacts procedures and methodologies for the Department of Human Services to enforce the medical child support requirements that were imposed by the federal Omnibus Budget Reconciliation Act of 1993. It clarifies the nature of the Department of Human Services' right to recoup Medicaid benefits out of personal injury awards or settlements by explicitly identifying that right as a statutory lien on the proceeds of such

awards or settlements. It states that the department's lien may not be reduced to reflect any pro rata share of attorney's fees or litigation costs. The law provides that the hardship waiver criteria developed by the Department of Human Services govern how a hardship waiver request will be reviewed.

The law also clarifies existing law on transitional Medicaid.

The law authorizes the Department of Human Services to implement the provisions of the federal Balanced Budget Act of 1997 to establish a Medicaid buy-in program for persons with disabilities who work and appropriates funds for that coverage.

The law repeals a provision of law that requires the Department of Human Services to assess pharmacies by prescriptions filled under the Medicaid program because the department intends to charge the assessments via rulemaking in the Maine Medical Assistance Manual.

The law directs the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop a comprehensive statewide plan to address the need for mental health facilities as a safety net to the community-based system of services.

LD 2153 An Act Concerning Rural Hospital Care ONTP

<u>Sponsor(s)</u> PARADIS		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2153 proposed to exempt rural hospitals with fewer than 100 licensed acute care beds from the requirement to obtain a certificate of need prior to increasing the number of hospital beds in the facility.

LD 2156 Resolve, to Ensure the Safety of Maine Children with Mental Health Problems ONTP

<u>Sponsor(s)</u> HARRIMAN KANE		<u>Committee Report</u> ONTP		<u>Amendments Adopted</u>
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LD 2156 proposed to require the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services to enter into a memorandum of understanding granting to the Department of Mental Health, Mental Retardation and Substance Abuse Services programmatic and fiscal authority, effective July 1, 1998, regarding children's mental health services under the Medicaid program.

See also the committee bill, LD 2295.

LD 2161

Resolve, to Extend the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities

**RESOLVE 129
EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-857
		H-881 CAMERON
		S-735 MICHAUD

LD 2161 proposed to provide supplemental funding for the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities.

Committee Amendment "A" (H-857) proposed to replace the resolve. It proposed to retain the provisions of the resolve that extend the existence of the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities and appropriate \$10,000 for the expenses of the commission. It proposed to add provisions that change the focus of the study from long-term care to nursing facility care, add one consumer representative and add to the duties of the commission the responsibility to study mechanisms to provide consumer input into the reimbursement mechanism for Medicaid reimbursement and salaries, dividends and management fees in nursing facilities. The amendment also proposed to add a fiscal note.

House Amendment "A" to Committee Amendment "A" (H-881) was presented on behalf of the Committee on Bills in the Second Reading to make a technical change and format changes to the amendment.

Senate Amendment "A" to Committee Amendment "A" (S-735) proposed to more accurately reflect per diem and expense costs of legislative members of the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities.

Enacted law summary

Resolve 1997, chapter 129 comprises the provisions of Committee Amendment "A", House Amendment "A", and Senate Amendment "A" to Committee Amendment "A". The resolve provides supplemental funding for the Commission to Examine Rate Setting and the Financing of Maine's Long-term Care Facilities and appropriates \$10,000 for the expenses of the commission. It changes the focus of the study from long-term care to nursing facility care, adds one consumer representative and adds to the duties of the commission the responsibility to study mechanisms to provide consumer input into the reimbursement mechanism for Medicaid reimbursement and salaries, dividends and management fees in nursing facilities. The resolve takes effect April 16, 1998.

LD 2170

An Act to Implement the Recommendations of the Commission to Determine the Adequacy of Services to Persons with Mental Retardation

PUBLIC 778

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1067
		S-736 MICHAUD

LD 2170 proposed to implement the recommendations of the Commission to Determine the Adequacy of Services to Persons with Mental Retardation, which was created pursuant to Resolve 1997, chapter 79.

Committee Amendment "A" (H-1067) proposed to replace the bill and to do the following:

1. Designate an employee of the Department of Mental Health, Mental Retardation and Substance Abuse Services to be the adult services transition coordinator for persons leaving public education for the adult mental retardation services system;
2. Require the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop and improve its management information system;
3. Require a report on person-centered planning and budgeting in accordance with such planning from the Department of Mental Health, Mental Retardation and Substance Abuse Services;
4. Require the Department of Mental Health, Mental Retardation and Substance Abuse Services to undertake a public information and education program;
5. Require the Department of Mental Health, Mental Retardation and Substance Abuse Services to take steps to encourage fair compensation for direct services staff employed by community providers; and
6. Appropriate funding for increasing the wages of direct services staff employed by community providers.

The amendment also proposed to add an appropriation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-736) proposed to remove the provision that required an increase in base pay and a 3% cost-of-living increase for certain direct care workers employed by community mental retardation services providers. It proposed to direct the Department of Mental Health, Mental Retardation and Substance Abuse Services to request supplemental funding for cost-based reimbursement or a cost-of-living increase during the 2000-2001 biennium.

Enacted law summary

Public Law 1997, chapter 778 comprises the provisions of Committee Amendment "A" and Senate Amendment "A" to Committee Amendment "A". The law implements some of the recommendations of the Commission to Determine the Adequacy of Services to Persons with Mental Retardation, which was created pursuant to Resolve 1997, chapter 79. The law does the following:

1. Designates an employee of the Department of Mental Health, Mental Retardation and Substance Abuse Services to be the adult services transition coordinator for persons leaving public education for the adult mental retardation services system;
2. Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to develop and improve its management information system;
3. Requires a report on person-centered planning and budgeting in accordance with such planning from the Department of Mental Health, Mental Retardation and Substance Abuse Services;

4. Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to undertake a public information and education program; and

5. Requires the Department of Mental Health, Mental Retardation and Substance Abuse Services to take steps to encourage fair compensation for direct services staff employed by community providers and directs the department to request supplemental funding for cost-based reimbursement or a cost-of-living increase during the 2000-2001 biennium.

Regarding funding for mental retardation services, see PL 1997, chapter 643, Part A-1.

LD 2177

An Act to Require Alternate Sources of Power for Elderly Housing

ONTP

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
GAGNE FERGUSON	ONTP	

LD 2177 proposed to require the Commissioner of Human Services to adopt rules to require congregate housing facilities for older persons to have generators available for emergency use to provide heat to the facilities.

LD 2207

Resolve, Establishing the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services

RESOLVE 120

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
DONNELLY	OTP-AM MAJ OTP-AM MIN	H-936 S-737 MICHAUD

LD 2207 proposed to create the Office of Mental Health and Human Services Ombudsman, an autonomous agency designed to represent the best interests of individuals involved in the State's mental health and human services systems and to provide independent clinical oversight over cases in the State's mental health and human services systems.

Committee Amendment "A" (H-935) (Majority Report) proposed to establish the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. It proposed to charge the task force with studying other ombudsman programs and options for the departments and require a report and legislation by December 15, 1998.

Committee Amendment "B" (H-936) (Minority Report) proposed to establish the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. It proposed to charge the task force with studying other ombudsman programs and options for the departments and require a report and legislation by December 15, 1998. It also proposed to add 2 positions in the Office of Advocacy within the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Senate Amendment "A" to Committee Amendment "B" (S-737) proposed to eliminate the appropriation for 2 advocate positions for the Department of Mental Health, Mental Retardation and Substance Abuse Services. The amendment also proposed to change the makeup of the task force. Instead of one member from the Joint Standing Committee on Health and Human Services, there would be 2 members. The member from a statewide organization representing women is proposed to be eliminated.

Enacted law summary

Resolve 1997, chapter 120 comprises the provisions of the resolve, Committee Amendment "B" and Senate Amendment "A" to Committee Amendment "B". It establishes the Task Force to Study the Need for an Ombudsman for the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services. It charges the task force with studying other ombudsman programs and options for the departments. It requires a report and legislation by December 15, 1998.

LD 2218 An Act to Implement the Recommendations of the Task Force On INDEF PP
Improving Access to Prescription Drugs for the Elderly

<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u>
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LD 2218 contains the legislative recommendations of the Task Force on Improving Access to Prescription Drugs for the Elderly, established by Public Law 1997, chapter 560, Part E.

This bill proposed to require the Department of Human Services to provide educational materials on the elderly low-cost drug program to be distributed by the Bureau of Revenue Services when sending out the program's drug cards to eligible residents. Other materials would have been made available to pharmacies to post or to include with customers' prescription drug purchases.

This bill proposed to expand the elderly low-cost drug program to cover those who meet the age and disability requirements and whose income is less than or equal to 185% of the federal poverty level. The current income limitation is approximately 131% of the federal poverty level.

This bill proposed to direct the Department of Human Services to seek a Medicaid waiver from the federal Health Care Financing Administration to provide Medicaid prescription drug benefits for persons 62 years of age and over whose income is less than or equal to 185% of the federal poverty level.

Committee Amendment "A" (H-1074) proposed to replace the bill. It proposed to provide the Department of Human Services with a \$2,000,000 appropriation to include additional medications to be determined by the department to the elderly low-cost drug program. It proposed to direct the department to pursue a Medicaid waiver to provide Medicaid prescription drug benefits.

See supplemental budget, Public Law 1997, chapter 643, Part RR.

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1008 S-615 PARADIS S-754 MICHAUD

LD 2225 contains the recommendations of the Maine Commission on Children's Health Care. It proposed to do the following:

1. Expand coverage under the Medicaid program for children ages 1 through 18 whose family income is below 150% of the federal poverty level (fpl), while retaining coverage for children below age 1 at 185% of fpl;
2. Establish the Cub Care program to provide health insurance coverage to children whose family income is between 150% and 185% of fpl and whose family pays a monthly premium. Enrolled families whose income exceeds the eligibility level for Medicaid or Cub Care may purchase Cub Care coverage for their children for 18 additional months at premium levels that equal the benefit cost plus an administrative fee;
3. Reauthorize the Maine Commission on Children's Health Care for a period of one year;
4. Appropriate and allocate the necessary funding to support the expansion of the Medicaid program and creation of the Cub Care program; and
5. Amend provisions in the Maine Revised Statutes, Title 24 and Title 24-A related to insurance coordination of benefits, late enrollee status and continuity of coverage.

Committee Amendment "A" (H-1008) proposed to change 2 drafting errors in the bill, amending the eligibility age for children in the Medicaid program and the Cub Care program from "under age 18" as mistakenly printed to read "under age 19" in both provisions as was intended by the Maine Commission on Children's Health Care. It also proposed to move the appropriation of \$1,970 for the expenses of the Maine Commission on Children's Health Care from fiscal year 1997-98 to fiscal year 1998-99. It proposed to correct financial and narrative entries in the bill connected to this change. It proposed to direct the Commissioner of Human Services to enter into a consultation process with federally recognized American Indian tribes, nations, bands or other groups and to adopt rules with regard to the participation of children who are members of those tribes, nations, bands or other groups.

It proposed to add an appropriation section and a fiscal note to the bill.

Senate Amendment "A" to Committee Amendment "A" (S-615) proposed to replace the language on provisions applicable to federally recognized Indian tribes with language that is more consistent with the Act to Implement the Maine Indian Claims Settlement, Title 30, chapter 601.

Senate Amendment "B" to Committee Amendment "A" (S-754) proposed to remove the authorization for the Maine Commission on Children's Health Care and the related funding.

Enacted law summary

Public Law 1997, chapter 777 comprises the provisions of the bill, Committee Amendment “A” and Senate Amendment “A”, and Senate Amendment “B” to Committee Amendment “A”. The law enacts the recommendations of the Maine Commission on Children's Health Care. It does the following:

1. Expands coverage under the Medicaid program for children ages 1 through 18 years of age whose family income is below 150% fpl;
2. Establishes the Cub Care program to provide health insurance coverage to children whose family income is between 150% and 185% of fpl and whose family pays a monthly premium. Enrolled families whose income exceeds the eligibility level for Medicaid or Cub Care may purchase Cub Care coverage for their children for 18 additional months at premium levels that equal the benefit cost plus an administrative fee;
3. Appropriates and allocates the necessary funding to support the expansion of the Medicaid program and creation of the Cub Care program;
4. Amends provisions in the Maine Revised Statutes, Title 24 and Title 24-A related to insurance coordination of benefits, late enrollee status and continuity of coverage; and
5. Directs the Commissioner of Human Services to enter into a consultation process with federally recognized American Indian tribes, nations or bands and to adopt rules with regard to the participation of children who are members of those tribes, nations or bands. The law takes effect April 16, 1998.

LD 2228

An Act to Implement the Recommendations of the Task Force on Registration of In-home Personal Care and Support Workers

PUBLIC 716

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-1065

LD 2228 proposed to require personal care agencies that are not otherwise licensed to register with the Division of Licensing and Certification within the Department of Human Services if the agency employs unlicensed assistive personnel to provide assistance to others in activities of daily living. The bill also proposed to require that personal care agencies conduct criminal record checks on unlicensed assistive personnel hired on or after July 1, 1998 and provided penalties for failure to register or perform criminal background checks.

The bill also proposed to require the Commissioner of Human Services to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on or before January 1, 1999 on the feasibility of establishing a statewide system for checking the criminal histories of unlicensed assistive personnel and a registry for maintaining records of criminal convictions and substantiated complaints of abuse, neglect or misappropriation of funds in a health care setting by the year 2000.

Committee Amendment "A" (H-1065) proposed to amend the bill. It proposed to require personal care agencies to register with the Department of Human Services. It proposed to prohibit personal care agencies from hiring under a long-term contract or employing permanently as unlicensed assistive personnel individuals who have

worked as certified nursing assistants and about whom annotations have been made for a complaint or conviction on the certified nursing assistant registry.

Enacted law summary

Public Law 1997, chapter 716 comprises the provisions of the bill and Committee Amendment “A”. It requires personal care agencies that are not otherwise licensed to register with the Division of Licensing and Certification within the Department of Human Services if the agency employs unlicensed assistive personnel to provide assistance to others in activities of daily living. It prohibits personal care agencies from hiring under a long-term contract or employing permanently as unlicensed assistive personnel individuals who have worked as certified nursing assistants and about whom annotations have been made for a complaint or conviction on the certified nursing assistant registry. It requires the Commissioner of Human Services to report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on or before January 1, 1999 on the feasibility of establishing a statewide system for checking the criminal histories of unlicensed assistive personnel and a registry for maintaining records of criminal convictions and substantiated complaints of abuse, neglect or misappropriation of funds in a health care setting by the year 2000.

LD 2241	Resolve, Regarding Legislative Review of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a Major Substantive Rule of the Department of Human Services	RESOLVE 115 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1002
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LD 2241 proposed to provide for legislative review of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities, a major substantive rule of the Department of Human Services.

Committee Amendment "A" (H-1002) proposed to authorize final adoption of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities contingent on the incorporating of several amendments to the proposed rule by the Department of Human Services prior to its final adoption. The amendments proposed to provide that:

1. An individual other than the resident may voluntarily sign a separate written agreement to guarantee payment;
2. Contracts signed for admission must include a provision requiring at least 60 days' notice prior to changes in rates, responsibilities, services or other items provided in the contract;
3. Residents of congregate housing services programs must give 10 days' notice before relocating to obtain a refund, with exceptions for medical emergencies;
4. Residential care facility administrators will have 18 months from the effective date of the regulations on licensing residential care facility administrators, or from the date of hire, to complete an approved training program or to become licensed;
5. The resident, the resident's legal representative and others chosen by the resident must be actively involved in the development of the service plan for the resident;

6. Assisted living facilities are prohibited from having more than 2 beds per room after January 1, 2002; and
7. Assisted living facilities must develop comprehensive disaster plans.

Enacted law summary

Resolve 1997, chapter 115 comprises the provisions of Committee Amendment “A”. It authorizes final adoption of Chapter 113: Regulations Governing the Licensing and Functioning of Assisted Living Facilities provided that several amendments are made to the proposed rule by the Department of Human Services prior to its final adoption. The amendments must provide that:

1. An individual other than the resident may voluntarily sign a separate written agreement to guarantee payment;
2. Contracts signed for admission must include a provision requiring at least 60 days' notice prior to changes in rates, responsibilities, services or other items provided in the contract;
3. Residents of congregate housing services programs must give 10 days' notice before relocating to obtain a refund, with exceptions for medical emergencies;
4. Residential care facility administrators will have 18 months from the effective date of the regulations on licensing residential care facility administrators, or from the date of hire, to complete an approved training program or to become licensed;
5. The resident, the resident's legal representative and others chosen by the resident must be actively involved in the development of the service plan for the resident;
6. Assisted living facilities are prohibited from having more than 2 beds per room after January 1, 2002; and
7. Assisted living facilities must develop comprehensive disaster plans.

The resolve takes effect April 3, 1998.

LD 2251

An Act to Permit Direct Contracting with State Governmental Entities for the Provision of Services to Eligible Participants in Government Health Programs

**PUBLIC 676
EMERGENCY**

Sponsor(s)
DAVIDSON

Committee Report
OTP-AM

Amendments Adopted
H-992

LD 2251 proposed to authorize the Department of Human Services to contract with health care servicing entities. It proposed to require the Department of Human Services to establish standards for the conduct of the health care servicing entity that must be included in any contract between the department and the entity. The bill proposed that the department be required to enter into a memorandum of understanding with the Superintendent of Insurance in order to obtain technical assistance and advice regarding the fiscal integrity of contracting entities. The bill proposed that the department may require reports by the health care servicing entity and would have been allowed

to provide the Superintendent of Insurance with access to documents filed by the entity and adopt such rules as are necessary for the administration of contracts with health care servicing entities.

The bill also proposed to grant the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services the same authority regarding health care servicing entities as that granted the Department of Human Services.

This bill proposed to exempt health care servicing entities from licensure and other requirements of the Maine Insurance Code for those activities undertaken in conjunction with any contract between the entity and the Department of Human Services or the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Committee Amendment "A" (H-992) proposed to add the issue of access to services to issues that are proposed to be the subject of standards for health care servicing entities.

Enacted law summary

Public Law 1997, chapter 676 comprises the provisions of the bill and Committee Amendment "A". It authorizes the Department of Human Services to contract with health care servicing entities. It requires the Department of Human Services to establish standards for the conduct of the health care servicing entity. Those standards must be included in any contract between the department and the entity. The department is required to enter into a memorandum of understanding with the Superintendent of Insurance in order to obtain technical assistance and advice regarding the fiscal integrity of contracting entities. The department may require reporting by the health care servicing entity, provide the Superintendent of Insurance with access to documents filed by the entity and adopt such rules as are necessary for the administration of contracts with health care servicing entities. It grants the Commissioner of Mental Health, Mental Retardation and Substance Abuse Services the same authority regarding health care servicing entities as that granted the Department of Human Services.

It exempts health care servicing entities from licensure and other requirements of the Maine Insurance Code for those activities undertaken in conjunction with any contract between the entity and the Department of Human Services or the Department of Mental Health, Mental Retardation and Substance Abuse Services. The law takes effect April 2, 1998.

LD 2261

**An Act to Implement the Recommendations of the Commission to
Study the Certificate of Need Laws**

PUBLIC 689

Sponsor(s)

Committee Report
OTP-AM

Amendments Adopted
H-968

LD 2261 proposed to simplify the certificate of need process for health care facilities and health care services.

Committee Amendment "A" (H-968) proposed to amend the definition of "health care facility" so that the offices of dentists as well as the offices of physicians are exempt from the definition. It also proposed to add a fiscal note to the bill.

Enacted law summary

Public Law 1997, chapter 689 comprises the provisions of the bill and Committee Amendment “A”. It simplifies the certificate of need process for health care facilities and health care services and amends the definition of "health care facility" so that the offices of dentists as well as the offices of physicians are exempt from the definition. The law takes effect October 1, 1998.

LD 2268 **Resolve, to Establish the Task Force on Hospice Coverage and Palliative Pain Control** **ONTP**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
MITCHELL B MITCHELL J	ONTP	

LD 2268 proposed to establish the Task Force on Hospice Coverage and Palliative Pain Control.

LD 2276 **An Act to Provide Funding for Law Enforcement and Emergency Medical Services Personnel** **P & S 94**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
		S-745 MICHAUD

LD 2276 proposed to provide the Department of Public Safety with a one-time appropriation of \$50,000 to develop a training program for law enforcement and emergency medical services personnel. The training program would have to cover sudden infant death syndrome, critical incident stress management and interpersonal skills dealing with notification of death or serious injury.

Senate Amendment " A " (S-745) proposed to reduce the General Fund appropriation to \$25,000 in fiscal year 1998-99.

Enacted law summary

Private and Special Law, chapter 94 comprises the provisions of Senate Amendment “A”. It appropriates \$25,000 for the Department of Public Safety to develop a training program for law enforcement and emergency medical services personnel to cover sudden infant death syndrome, critical incident stress management and interpersonal skills dealing with notification of death or serious injury.

LD 2279 **Resolve, Regarding Legislative Review of Section 71.05(F) (11)-(13) of the Bureau of Elder and Adult Services Policy Manual, a Major Substantive Rule of the Department of Human Services, Bureau of Elder and Adult Services** **RESOLVE 110 EMERGENCY**

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
	OTP-AM	H-1080

LD 2279 proposed to provide for legislative review of Section 71.05: Application Process; Certificate of Need for Nursing Facility Level of Care (Policy Manual), a major substantive rule of the Department of Human Services, Bureau of Elder and Adult Services.

Committee Amendment "A" (H-1080) proposed to strike the original title of the resolve and replace it with one that specifies the portion of Section 71.05 of the Bureau of Elder and Adult Services Policy Manual reviewed by the Legislature. This amendment proposed to authorize final adoption of Section 71.05(F)(11)-(13) in the Bureau of Elder and Adult Services Policy Manual as long as the Department of Human Services changes a reference in Section 71.05(F)(13) subsection (b) prior to the final adoption of the rule. The reference in this section to Section 71.05(D)(6) subsection (a) would have to be changed to Section 71.05(H)(1) subsection (b) to reflect the intent of the statutory authority.

Enacted law summary

Resolve 1997, chapter 110 comprises the provisions of the resolve and Committee Amendment "A". This resolve provides for legislative review of Section 71.05: Application Process; Certificate of Need for Nursing Facility Level of Care (Policy Manual), a major substantive rule of the Department of Human Services, Bureau of Elder and Adult Services. The new title specifies the portion of Section 71.05 of the Bureau of Elder and Adult Services Policy Manual reviewed by the Legislature. It authorizes final adoption of Section 71.05(F)(11)-(13) in the Bureau of Elder and Adult Services Policy Manual as long as the Department of Human Services changes a reference in Section 71.05(F)(13) subsection (b) prior to the final adoption of the rule. The reference in this section to Section 71.05(D)(6) subsection (a) must be changed to Section 71.05(H)(1) subsection (b) to reflect the intent of the statutory authority. The resolve takes effect April 2, 1998.

LD 2281	Resolve, Regarding Legislative Review of Chapter 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers, Major Substantive Rules of the Department of Human Services, Auditing, Contracting and Licensing Service Center	RESOLVE 112 EMERGENCY
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<u>Sponsor(s)</u>	<u>Committee Report</u> OTP-AM	<u>Amendments Adopted</u> H-1084
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LD 2281 proposed to provide for legislative review of Chapter 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers, a major substantive rule of the Department of Human Services, Auditing, Contracting and Licensing Service Center.

Committee Amendment "A" (H-1084) proposed to authorize final adoption of Chapter 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers as long as the Department of Human Services amends Chapter 33 prior to its final adoption. The amendment proposed that the rule be amended to include a provision that allows children not to be immunized for religious or medical reasons. In the event of a disease outbreak, these children would be excluded from the home day care until the outbreak no longer exists or until they receive the necessary immunization.

Enacted law summary

Resolve 1997, chapter 112 comprises the provisions of the resolve and Committee Amendment “A”. The resolve provides for legislative review of Chapter 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers, a major substantive rule of the Department of Human Services, Auditing, Contracting and Licensing Service Center and authorizes final adoption as long as the Department of Human Services amends Chapter 33 prior to its final adoption. The rule must be amended to include a provision that allows children not to be immunized for religious or medical reasons. In the event of a disease outbreak, these children must be excluded from the home day care until the outbreak no longer exists or until they receive the necessary immunization. The resolve takes effect April 3, 1998.

LD 2283

An Act to Implement the Recommendations of the Interagency Task Force on Homelessness and Housing Opportunities

P & S 86

Sponsor(s)

Committee Report

Amendments Adopted

S-746 MICHAUD

LD 2283 proposed to implement the recommendations of the Interagency Task Force on Homelessness and Housing Opportunities. The bill proposed to require homeless shelter operators, mental health providers, substance abuse services providers, and Department of Mental Health, Mental Retardation and Substance Abuse Services regional housing coordinators to prepare plans to ensure that persons with mental illness or substance abuse problems or both who are in homeless shelters are provided with services for mental health and substance abuse problems. The bill proposed to direct the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Maine State Housing Authority proposed to provide training for mental health, substance abuse services, and homeless shelter providers. The bill proposed to increase funding for the shelter operating subsidy fund in the Housing Opportunities for Maine Fund by \$2,500,000 per year.

Senate Amendment "A" (S-746) proposed to replace the bill. It proposed to provide \$100,000 for the Maine State Housing Authority's shelter operating subsidy.

Enacted law summary

Private and Special Law 1997, chapter 86 comprises the provisions of the bill and Senate Amendment “A”. It appropriates \$100,000 in additional funding for the Maine State Housing Authority’s shelter operating subsidy.

LD 2295

An Act to Improve the Delivery of Mental Health Services to Children

**PUBLIC 790
EMERGENCY**

Sponsor(s)

Committee Report

Amendments Adopted

S-748 MICHAUD

LD 2295 proposed to establish the Children's Mental Health Program, a program operated under the responsibility of the Department of Mental Health, Mental Retardation and Substance Abuse Services, in coordination with the Department of Corrections, the Department of Education and the Department of Human Services, to provide mental health services to children in Maine. The bill proposed to require a study of autism, developmental disabilities and mental retardation services conducted under the direction of the Department of Mental Health, Mental Retardation

and Substance Abuse Services. The bill proposed to establish a community reinvestment account for children's mental health services funds to ensure the development of resources in the community.

Senate Amendment "A" (S-748) proposed to change the provisions concerning rulemaking by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Enacted law summary

Public Law 1997, chapter 790 comprises the provisions of the bill and Senate Amendment “A”. The law establishes the Children's Mental Health Program, a program operated under the responsibility of the Department of Mental Health, Mental Retardation and Substance Abuse Services, in coordination with the Department of Corrections, the Department of Education and the Department of Human Services, to provide mental health services to children in Maine. It requires a study of autism, developmental disabilities and mental retardation services conducted under the direction of the Department of Mental Health, Mental Retardation and Substance Abuse Services. It establishes a community reinvestment account for children's mental health services funds to ensure the development of resources in the community.